IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 24260 of 2003

Between:

M/s.Sai Sunitha Marketing, Proprietor, Mrs.R.Sunitha
R/o.16-11-511/D 14, Shalivahana Nagar, Dilshuknagar, Hyderabad.

..... PETITIONER

AND

1 Andhra Bank, Rep. by its Chief Manager, (Authorised Officer), Chikkadpally Branch, Hyderabad.
2 The Union of India, rep. by its Secretary Finance, New Delhi.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ or direction more in particularly one in the nature of writ of mandamus declaring the impugned notice issued by the 1st respondent dated 15-9-2003 including the provisions under Section 13 (2) of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002, as illegal, arbitrary, violation of principal of natural justice, unconstitutional and violation of basic principles of rule law and violation of Article 14 Constitution of India and ultravirus and consequently to set aside the impugned notice dated 15-9-2003 and struck down the provisions of Section 13 of the said Act.

Counsel for the Petitioner:MR.KURITIBHASKARA RAO

Counsel for the Respondent No.1: S.V. Madhusudhana Charyulu

Counsel for the Respondent No.2: Mr. A. Rajasekhar Reddy

The Court made the following Oral Order: (per Sri Devinder Gupta,CJ)

In view of the decision of the Hon'ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002, dated 8th April, 2004 [MARIDA CHEMICALS LTD v UNION OF INDIA AND ORS], challenge to the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason, relief prayed for in this Writ petition cannot be granted. Writ petition is, therefore, dismissed.

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DEVINDER GUPTA, CJ

Date: 2nd September, 2004

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C.V.RAMULU,J

Pnb

To

1. The Chief Manager, (Authorised Officer),Andhra Bank, Chikkadpally Branch, Hyderabad.

2. The Secretary Finance, Union of India, New Delhi.

3. Two C.D. copies